

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/099,698	VAILLANT ET AL.	
	Examiner	Art Unit	
	Thomas R. Artman	2882	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 13 February 2006.
2. ☒ The allowed claim(s) is/are 1,3-5,7,8,13-16,18-23,25-39 and 41-91.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets" ) must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948 ) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                     |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                    | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|                                                                                                                     | 9. <input type="checkbox"/> Other _____.                                               |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1, 3-5, 7, 8, 13-16, 18-23, 25-39 and 41-91 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1, 16, 20 and 33 are allowed by virtue of incorporating the indicated allowable subject matter in the previous Office action dated August 9<sup>th</sup>, 2005.

Claims 3-5, 7, 8, 13-15, 18, 19, 21-23, 25-32, 34-39, 41-47 are allowed by virtue of their dependency.

The translated foreign priority document has provided sufficient support in order to disqualify the US Patent to Charles, Jr., et al. as prior art. Therefore, all rejections over Charles, Jr., et al. have been withdrawn.

The prior art of record neither teaches nor reasonably suggests a method or means for performing the method of determining the magnification factor of at least two X-ray images taken at angular separations of greater than 15 degrees by identifying projections of at least one point of the X-rayed object on both images, where the magnification factor is determined by first, a function of the angular displacement of the source and detector between the acquisitions of the images, and second, as function of the positions of the identified projections on the

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images, as required by the combinations as claimed in each of claims 48, 61 and 77. Further, the translated foreign priority document has provided sufficient support to antedate the Charles

Claims 49-60, 62, 63 and 78-91 are allowed by virtue of their dependency.

The prior art of record neither teaches nor reasonably suggests a method of determining the magnification factor of at least two X-ray images taken at angular separations of greater than 15 degrees by identifying projections of at least one point of the X-rayed object on both images, where the magnification factor is determined by calculating a spatial position of a point in the object on the basis of the projections, and calculating the distance from the X-ray source to the object based on the spatial position, as required by the combination as claimed in claim 64.

Claims 65-76 are allowed by virtue of their dependency.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R. Artman whose telephone number is (571) 272-2485. The examiner can normally be reached on 9am - 5:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas R. Artman  
Patent Examiner



**EDWARD J. GLICK**  
**SUPERVISORY PATENT EXAMINER**